

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF PENNSYLVANIA

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FILED

AUG 23 2021

RUBY MURRAY, Individual Plaintiff

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VS.

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) CIVIL CASE NO: 2:21-cv-1113

) 1539 #7

)

) JURY TRIAL DEMANDED

)

CAPITAL ONE N.A, Defendant

COMPLAINT AND DEMAND FOR JURY TRIAL

1. INTRODUCTION

1. This is an action for actual and statutory damages brought by the Plaintiff, Ruby Murray an individual consumer. Bringing action against Capital One N.A for violations of the Truth in Lending Act, 15 USC 1601 to provide inform use of credit results from an awareness of the cost thereof by consumers and to protect the consumer against inaccurate and unfair credit billing and credit card practices, such as plaintiff. The Fair Credit Reporting Act 15 USC 1681 is an elaborated mechanism of the banking system and unfair credit reporting methods. The Fair Debt Collection Practices Act 15 USC 1692 to prohibit debt collectors engaging in abusive, deceptive, and unfair debt collection practices.

2. JURISDICTION

2. Jurisdiction of this court is under 15 USC 1692k (d) and 28 USC 1331. Declaratory relief available to 28 USC 2201 and 2202.

3. PARTIES

3. Plaintiff, Ruby Murray, is a consumer natural person with abode in Allegheny County, Pennsylvania 15221.
4. Upon belief, the defendant Capital One N.A, a corporation engaging in the business of collecting debt, with its principal place of business 1680 Capital One Drive McLean, VA 22102.

4. FIRST CAUSE OF ACTION FRAUD

5. Plaintiff; natural person 15 USC 1602(e) entered a consumer credit transaction 15 USC 1602(i) on or about July 31 2020 plaintiff; natural person 15 USC 1602(e) supposedly through Carvana. At the time of the consumer credit transaction 15 USC 1602(i) Carvana only provided informational resources about Carvana and Carvana contact information. On or about January 30, 2021 plaintiff; natural person 15 USC 1602(e) requested validation of alleged debt 15 USC 1692g from Carvana. Carvana advised plaintiff; natural person 15 USC 1602(e) financial financing was through Capital One N.A in reply with plaintiff CFPB complaint submitted.

6. On or about February 16, 2021 plaintiff; natural person 15 USC 1602(e) reached out to Capital One N.A 15 USC 1602(d) to request validation of the alleged debt 15 USC 1692g certified mail 7019 0140 0000 5166 4767, submitted complaint with CFPB. Plaintiff; natural person 15 USC 1602(e) was provided an alleged contract 15 USC 1692j by Capital One N.A 15 USC 1602(d) through the CFPB. Capital One N.A; 15 USC 1602(d) did not provide all the requirements to plaintiff; natural person 15 USC 1602(e) specifically 15 USC 1692g (5) Capital One N.A 15 USC 1692a (6) will provide the plaintiff; consumer with the name and address of the original creditor, if different from the current creditor shown in Exhibit I and Exhibit J plaintiff; natural person 15 USC 1602(e) is the original creditor 15 USC 1602 (g) different from the alleged creditor showing on Exhibit E Carvana LLC 15 USC 1602(d) or Capital One N.A 15 USC 1602(d).

7. Plaintiff; natural person 15 USC 1602(e) reviewed the alleged contract 15 USC 1692j Capital One N.A 15 USC 1602(d) provided, plaintiff; natural person 15 USC 1602(e) noticed over 14 violations that was not in accordance 15 USC 1601, 15 USC 1681, 15 USC 1692 fraud occurred with Capital One N.A 15 USC 1602 (d). Plaintiff; natural person 15 USC 1602(e) sent Capital One N.A 15 USC 1602(d) an affidavit exhibits & invoice on or about March 27 2021 certified mail 7031 0350 0000 3777 9522, complaint submitted to the CFPB around same time.

8. On or about March 30 2021 Capital One N.A 15 USC 1602(d) closed the CFPB complaint as a duplicate complaint, confusing because the 1st complaint was open for alleged debt 15 USC 1692a (5) validation 15 USC 1692g. The 2nd complaint was for violations of 15 USC 1692, 15 USC 1681, 15 USC 1692 committed against plaintiff; natural person 15 USC 1602(e).

9. On or about April 27 2021 plaintiff; natural person 15 USC 1602(e) provided Capital One N.A 15 USC 1602(d) another affidavit with exhibits & invoice to show the violations that Capital One N.A 15 USC 1602(d) committed certified mail 7019 0144 0000 5166 4811, submitted another complaint with CFPB. Capital One N.A 15 USC 1602(d) responded with duplicate complaint.

10. On or about June 6 2021 plaintiff; natural person 15 USC 1602(e) provided Capital One N.A 15 USC 1602(d) affidavit, exhibits, & invoice. Plaintiff; natural person 15 USC 1602(e) provided Capital One N.A 15 USC 1602(d) federal laws and how they violated them and broke it down in laymen terms. Plaintiff; natural person 15 USC 1602(e) on or about June 8 2021 submitted complaints to the OCC, FTC, FDIC, AG of PA and the CFPB. Capital One N.A 15 USC 1602(d) responded with duplicate complaint. The OCC submitted a CFPB complaint on or around June 9 2021 on the behalf of the plaintiff; natural person 15 USC 1602(e), Capital One N.A 15 USC 1602(d) responded duplicate complaint.

11. Capital One N.A is a financial institution 15 USC 1693a (9) that holds an account belonging to the plaintiff; consumer 15 USC 1693a (6) shown in Exhibit A, who have powers and duties from the United States Corporation 28 USC 3002 15a as a bank to borrow money 12 USC 1431a shown in Exhibit H from United States 28 USC 3002 15a or its board 15 USC 1602(c). For plaintiff; natural person 15 USC 1602(e) to enter consumer credit transactions 15 USC 1602(i) and obtain legal entitlement to credit 15 USC 1602(f) to defer payments in consumer credit transactions 15 USC 1602(i).

12. United States a corporation 28 USC 3002 15a backed by the plaintiff natural person 15 USC 1602(e) labor and full faith in credit 15 USC 1602(f). Social Security Administration 15 USC 1602(d) delegates the issuance of credit cards 15 USC 1602(l) to a person; natural person 15 USC 1602(e) at birth, such as plaintiff. United States Corporation 28 USC 3002 15a pledged to natural person 15 USC 1602(e), such as plaintiff to secure all obligations 18 USC 8 for a plaintiff; natural person 15 USC 1602(e). Providing plaintiff; natural person 15 USC 1602(e) a credit card 15 USC 1602(l) with an open end credit plan and open end consumer credit plan 15 USC 1602(j) shown in Exhibit G for a consumer; plaintiff natural person 15 USC 1602(e) to enter into consumer credit transactions 15 USC 1602(i). United States a corporation 28 USC 3002 15a created the legal person; organization 15 USC 1602(e) who is not the plaintiff. Plaintiff is an alive natural person 15 USC 1602(e) caused by nature of plaintiff Homo sapiens parents plaintiff father natural person 15 USC 1602(e) and plaintiff mother natural person 15 USC 1602(e) having intercourse and 9 months later came the alive plaintiff; natural person 15 USC 1602(e).

13. Plaintiff; natural person 15 USC 1602(e) the original creditor shown in Exhibit I and Exhibit J and have legal entitlement to credit 15 USC 1602(f) defer payment of alleged debt 15 USC 1692a (5). During the start of the consumer credit transaction 15 USC 1602(i) Capital One N.A 15 USC 1602(d) requested plaintiff; natural person 15 USC 1602(e) credit card 15 USC 1602(l) through Carvana 15 USC 1602(d) that secured all obligations of payment 18 USC 8, only thing should have been charged is a finance charge 15 USC 1605(a).

14. Plaintiff, creditor 15 USC 1602(g), natural person 15 USC 1602(e) regularly extends, whether in connection with loans, sales of property or services, or otherwise, consumer credit 15 USC 1602(f) and is the person 15 USC 1602(e) natural person to whom the debt 15 USC 1692a (5) arising from the consumer credit transaction 15 USC 1602(i). Plaintiff, creditor 15 USC 1602(g), natural person 15 USC 1602(e), entered a consumer credit transaction 15 USC 1602(i) with Capital One N.A 15 USC 1602 (d) extending consumer credit 15 USC 1602(f) and the alleged debt 15 USC 1692a (5) arising from the plaintiff; natural person 15 USC 1602(e).

15. Plaintiff; natural person 15 USC 1602(e) entered a consumer credit transaction 15 USC 1602(i) with Capital One N.A. 15 USC 1602(d) on or around July 31 2020 with their credit card 15 USC 1602(l) associated to their open end consumer credit plan 15 USC 1602(j) shown in Exhibit G was used. Credit 15 USC 1602(f) was extended to plaintiff; natural person 15 USC 1602(e) and vehicle is primarily used for household & personal use such as grocery shopping, and running errands.

16. Plaintiff; natural person 15 USC 1602(e) credit card 15 USC 1602(l) social security card; any card was requested by Carvana 15 USC 1602(d) for Capital One N.A 15 USC 1602(d) during the consumer credit transaction 15 USC 1601(i) to obtain a vehicle from Carvana 15 USC 1602(d) with financing through Capital One N.A 15 USC 1602(d) on credit 15 USC 1602(f) from Capital One N.A 15 USC 1602(d).

17. Capital One N.A 15 USC 1602(d) committed an unauthorized use 15 USC 1602(p) of credit card 15 USC 1602(l) against plaintiff; natural person 15 USC 1602(e) who received no advantage from entering a consumer credit transaction 15 USC 1602(i) with Capital One 15 USC 1602(d). Plaintiff; natural person 15 USC 1602(e) under duress was extorted for more money, and have not received title lien free from Capital One N.A 15 USC 1602(d) shown in Exhibit C.

5. SECOND CAUSE OF ACTION FRAUD

18. Capital One N.A 15 USC 1602(d) approved a specific extension of credit 15 USC 1602(f) for plaintiff; consumer 15 USC 1681a(c) through plaintiff; natural person 15 USC 1602(e) credit card 15 USC 1602(l). 15 USC 1681a 2(b) exclusions from a consumer report 15 USC 1681a (d) (1); not supposed to be reporting to CRA. Any authorization or approval of a specific extension of credit 15 USC 1602(f) by plaintiff; consumer 15 USC 1681a (c) credit card 15 USC 1602(l) for respect to the consumer's right to privacy 15 USC 6801a since CRA are a elaborated mechanism 15 USC 1681a (2). Shown in Exhibit B Capital One N.A is violating 15 USC 1681a 2(b) by reporting to CRA.

6. THIRD CAUSE OF ACTION FRAUD

19. Consumer 15 USC 1692a (3) and debt 15 USC 1692a (5) have the linked alternative of the word or to list options available to the plaintiff; natural person 15 USC 1602(e) because they are both alleged obligations 15 USC 1601 advises the natural person 15 USC 1602(e) the informed use of credit 15 USC 1602(f) and the cost thereof. There is no evidence to show plaintiff; natural person 15 USC 1602(e) owes any alleged debt 15 USC 1692a (5) and 18 USC 8 tells the plaintiff; natural person 15 USC 1602(e) who the obligation is to and shown in Exhibit F because of why. Plaintiff; natural person 15 USC 1602(e) have the choice to say it's an alleged obligation; because there is no evidence to show plaintiff; natural person 15 USC 1602(e) have any obligations as a natural person 15 USC 1602(e) to pay an alleged debt 15 USC 1692a (5).

20. Capital One N.A is a debt collector 15 USC 1692a (6) principle purpose of Capital One N.A 15 USC 1692a (6) business is using a false contract shown in Exhibit E to get plaintiff; natural person 15 USC 1602(e) to pay money arising out of a consumer credit transaction 15 USC 1602 (i) in which the vehicle of the consumer credit transaction 15 USC 1602(i) is primarily use for personal & household purposes.

21. Plaintiff; natural person 15 USC 1602(e) did not provide prior consent from 07/31/2021-02/01/2021 to Capital One N.A 15 USC 1692a (6) to communicate 15 USC 1692a (2) to plaintiff; natural person 15 USC 1602(e). Capital One N.A 15 USC 1692(d) didn't have the express permission from a court competent of jurisdiction to communicate 15 USC 1692a (2) with the plaintiff; natural person 15 USC 1602(e) in violation of 15 USC 1692c (a).

22. Plaintiff; natural person 15 USC 1602(e) notified Capital One N.A 15 USC 1692a (6) on or around March 27 2021 plaintiff; natural person 15 USC 1602(e) notified Capital One N.A 15 USC 1692a (6) to advise Capital One N.A 15 USC 1692a (6) that plaintiff; natural person 15 USC 1602(e) refuses to pay alleged debt 15 USC 1692a (5) and plaintiff; natural person 15 USC 1602(e) attempted to invoked specific remedies 15 USC 1692c(c) (2) (3) were never put in place as plaintiff; natural person 15 USC 1602(e) attempted to invoke shown in Exhibit B & C violating 15 USC 1692c(c) (2) (3).

23. Capital One N.A 15 USC 1692a (6) is using criminal means to the harm the plaintiff; natural person 15 USC 1602(e) credit 15 USC 1602(f) worthiness reputation. Capital One N.A 15 USC 1692a (6) is reporting false information; not in accordance with the truth or accordance with 15 USC 1681 2b. Capital One N.A 15 USC 1692a (6) shown in Exhibit B is still reporting false information to the CRA violating 15 USC 1692d (1).

24. Capital One N.A 15 USC 1692a (6) is in violation of 15 USC 1692d (2) used obscene language towards the plaintiff; natural person 15 USC 1602(e). Shown in Exhibit B Capital One N.A 15 USC 1692a (6) by stating “We are accurately reporting your account to the credit reporting agencies”, that’s obscene language 15 USC 1681 2b if it was accurate information, it should not be listed or reported to the CRA, it should be excluded. Capital One N.A 15 USC 1692a (6) states “We also respectfully decline your request to cancel this account balance or to provide a lien-free title”. That’s profane language to plaintiff; natural person 15 USC 1602(e) because plaintiff; natural person 15 USC 1602(e) is the original creditor shown on Exhibit I & Exhibit J plaintiff; natural person 15 USC 1602(e) did not request anything, plaintiff; natural person 15 USC 1602(e) attempted to invoke specific remedies 15 USC 1692c(c) (2) (3) which have 2 different actions and meanings and were not put in place shown in Exhibit B and Exhibit C.

25. Shown in Exhibit B Capital One N.A 15 USC 1692a (6) is harassing plaintiff; natural person 15 USC 1602(e) by violating 15 USC 1692d (4) making announcements in a public medium like an elaborated mechanism 15 USC 1681a (2) CRA attempting to get plaintiff; natural person 15 USC 1602(e) to exchange money for an alleged debt 15 USC 1692a (5) a vehicle that was already paid with plaintiff; natural person 15 USC 1602(e) credit card 15 USC 1602(l). Capital One N.A 15 USC 1962a (6) is attempting to pressurize plaintiff; natural person 15 USC 1602(e) to pay an alleged debt 15 USC 1692a (5).

26. Due to Capital One N.A 15 USC 1691a (6) attorney's having a distinctive emblem as a mark of membership, achievement, licensed employment badge; bar membership card. It's not with truth or fact to take action of speaking on behalf of the structure of Capital One N.A 15 USC 1692a (6). Capital One 15 USC 1692a (6) attorney's are not bound by a legal agreement with the United States Corporation 28 3002 15a or officially attached or connected to the United States Corporation 28 3002 15a or the states that would violate 15 USC 1692e (1). It would be false misrepresentation that any single person 15 USC 1602(e) natural person as distinguished from legal group or corporate group or class, is an attorney violating 15 USC 1692(e) 3 for Capital One N.A 15 USC 1692a (6).

27. Capital One N.A 15 USC 1692a (6) caused false representation of the amount of the alleged debt 15 USC 1692a (5) shown in Exhibit D & Exhibit E violating 15 USC 1692e (2a). Alleged debt 15 USC 1692a (5) all the numbers are listed in the positive shown in Exhibit D & Exhibit E. A (-) in front of a number indicates it's in the negative. E.x $-3+3=0$, $3+3=6$ that's math based on factual math.

28. Capital One N.A 15 USC 1692a (6) is violating 15 USC 1692e (2a) shown in Exhibit D Capital One N.A 15 USC 1692a (6) listed plaintiff; natural person 15 USC 1602(e) as borrower which is false representation of the position held by plaintiff; natural person 15 USC 1602(e) for the legal status of the alleged debt 15 USC 1692a (6). Shown in Exhibit I & Exhibit J plaintiff is original creditor 15 1602(g) plaintiff is the natural person 15 USC 1602(e).

29. Capital One N.A 15 USC 1692a (6) there is laws in place to protect plaintiff; natural person 15 USC 1602(e) from alleged debt 15 USC 1692a (5) and their entitlement to credit 15 USC 1602(f). That would give false representation that plaintiff; consumer 1692a (3) committed a crime 15 USC 1692e (7) plaintiff; natural person 15 USC 1602(e) is the original creditor 15 USC 1602(g) shown in Exhibit I and Exhibit J, if nonpayment was a crime that plaintiff; natural person 15 USC 1602(e) committed why report to CRA an elaborated mechanism 15 USC 1681a (2) and not the government F.B.I 15 USC 1602(d) Capital One N.A 15 USC 1692a (6) would be telling on themselves 18 USC 471.

30. Shown in Exhibit B Capital One N.A 15 USC 1692a (6) is consistently communicating 15 USC 1692a (2) with CRA an elaborated mechanism 15 USC 1681a (2) regard to plaintiff; natural person 15 USC 1602(e) credit 15 USC 1602(f) information which is false. That's invasion to plaintiff; natural person 15 USC 1602(e) privacy 15 USC 6801. Plaintiff; natural person 15 USC 1602(e) sent the federal laws and broke them down in laymen terms on or around June 6 2021 for a person 15 USC 1602 (e) to understand, it's false information and failure to communicate 15 USC 1692a (2) that the alleged debt 15 USC 1692a (5) is being disputed Capital One N.A 15 USC 1692a (6) violated 15 USC 1692e (8).

31. Capital One N.A 15 USC 1692a (6) is using multiple names throughout the alleged contract provided by Capital One N.A 15 USC 1692a (6) shown in Exhibit E That's violation of 15 USC 1692e (14) any business that is not Capital One N.A 15 USC 1692a (6) is using Carvana 15 USC 1602(d), Route One LLC 15 USC 1602(d), which is not the true business name of Capital One N.A 15 USC 1692a (6) name.

32. Capital One N.A 15 USC 1692a (6) is in violation of 15 USC 1692e (10) shown in Exhibit D Capital One N.A 15 USC 1692a (6) is using a false contract to give an appearance that plaintiff; natural person 15 USC 1602(e) is an alleged borrower, that is different from the truth. Capital One N.A 15 USC 1692a (6) formed that idea or opinion about plaintiff; natural person 15 USC 1602(e) one formed on the basis of little to no evidence.

33. Capital One N.A 15 USC 1692a (6) is not behaving in fundamental truth that serves as the foundation for a system of belief or behavior for a chain of reasoning making out the plaintiff; natural person 15 USC 1602(e) to be an alleged borrower, that's unfair to plaintiff; natural person 15 USC 1602(e) original creditor 15 USC 1602(g) shown in Exhibit I and Exhibit J. Capital One N.A 15 USC 1692a (6) is not being equal, in status for plaintiff; natural person 15 USC 1602(e) listed as a borrower in Exhibit D, when plaintiff; natural person 15 USC 1602(e) is the original creditor 15 USC 1602(g) in Exhibit I and J. Plaintiff; natural person 15 USC 1602(e) legal entitlement to credit 15 USC 1602(f), and opportunity to enter a consumer credit transaction 15 USC 1602(i) truthfully when plaintiff; natural person 15 USC 1602(e) is the original creditor shown in Exhibit I and Exhibit J. In doing this injustice act Capital One N.A 15 USC 1692a (6) violated 15 USC 1692f (1) shown on Exhibit D Capital One N.A collecting on alleged debt 15 USC 1692a (5) which terms were not expressed explicitly; clearly to create the alleged debt 15 USC 1692a (5) or permitted by law in regards to Truth In Lending Act 15 USC 1601.

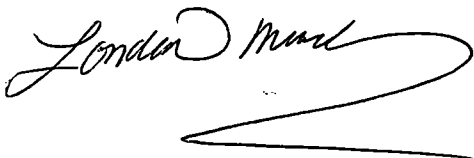
34. Capital One N.A 15 USC 1692a (6) is in violation of 15 USC 1692j (a) because shown in Exhibit E Capital One N.A 15 USC 1692a (6) created a false agreement with the legal person; organization 15 USC 1602(e) created by the United States Corporation 28 USC 3002 15a which is not the plaintiff, having no legal effect. Creating false belief that the plaintiff; natural person 15 USC 1602(e) is participating in the collection of alleged debt 15 USC 1692a (5) from the legal person; organization 15 USC 1602(e). When it is proven to be true that plaintiff; natural person 15 USC 1602(e) is not participating in the action of collecting alleged debt 15 USC 1692a (5). The law disapproves of such conduct because it is immoral or contrary to Truth in Lending 15 USC 1601.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court

1. Assume jurisdiction of this case.
2. Award actual damages in the amount of \$300,000.00 pursuant to 15 USC 1640(a).
3. Award statutory damages in the amount of \$49,190.60 twice the finance charge pursuant to 15 USC 1640a (2).
4. Award plaintiff costs and reasonable attorney fees pursuant to 15 USC 1640(3).
5. Defendant to provide title to vehicle lien-free to plaintiff.
6. Defendant to remove and stop reporting to CRA about plaintiff.
7. Defendant zero out balance on the account for the plaintiff.

Ruby Murray August 23rd 2021

A handwritten signature in black ink, appearing to read 'Ruby Murray', with a large, stylized flourish extending from the bottom.